

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SCHEVONNE BLUITT-
HECHAVARRIA
Plaintiff,

vs.

RANDALL'S FOOD & DRUG, LP D/B/A
Defendant.

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Civil Action No. 3:21-cv-01880

EXHIBIT A - INDEX OF DOCUMENTS FILED

DATE	DOCUMENT
n/a	Case Summary (Docket Sheet)
7/12/2021	Plaintiff's Original Petition with Citation
7/13/2021	Return of Service executed and affidavit completed
7/30/2021	Defendant's Original Answer and Affirmative Defenses

Respectfully submitted,

By: /s/ Karl Seelbach

Trek Doyle

State Bar No. 00790608

trek@doyleseelbach.com

Karl Seelbach

State Bar No. 24044607

karl@doyleseelbach.com

Jacob Jones

State Bar No.

jake@doyleseelbach.com

Doyle & Seelbach PLLC

7700 W. Highway 71, Suite 250

Austin, Texas 78735

EXHIBIT A

512.960.4890 Telephone
doyleseelbach.com

ATTORNEYS FOR DEFENDANT

 Doyle & Seelbach

CERTIFICATE OF SERVICE

By my signature above, I hereby certify that a true and correct copy of the above and foregoing document has been served by electronic delivery to counsel identified below on this, the 12th day of August 2021.

James D. Trujillo
State Bar No. 24056453
James@972lawfirm.com
Trujillo & Sanchez
500 E. John Carpenter Fwy., Suite 140
Irving, Texas 75062
972.529.3476 telephone

ATTORNEY FOR PLAINTIFF

Case Information

CC-21-02792-E | SCHEVONNE BLUITT-HECHAVARRIA vs. RANDALL S FOOD & DRUG, LP D/B/A TOM THUMB

Case Number
CC-21-02792-E
File Date
07/12/2021

Court
County Court at Law No. 5
Case Type
DAMAGES (COLLISION)

Judicial Officer
GREENBERG, MARK
Case Status
OPEN

Party

PLAINTIFF
BLUITT-HECHAVARRIA, SCHEVONNE

Address
615 WILDROSE DR
DALLAS TX 75224

Active Attorneys ▼
Lead Attorney
JASSO, JORGE
Retained

Inactive Attorneys ▼
Attorney
TRUJILLO, JAMES
Retained

Work Phone
972-529-3476

Fax Phone
972-529-3476

DEFENDANT
RANDALL S FOOD & DRUG, LP D/B/A TOM THUMB

Address
SERVE ITS REGISTERED AGENT: CT CORPORATION SYSTEM
1999 BRYAN STREET, SUITE 900
DALLAS TX 75201

Active Attorneys ▼
Lead Attorney
SEELBACH, KARL W
Retained

EXHIBIT A

Events and Hearings

07/12/2021 NEW CASE FILED (OCA)

07/12/2021 ORIGINAL PETITION ▼

PLAINTIFF S ORIGINAL PETITION

Comment

PLAINTIFF S ORIGINAL PETITION

07/12/2021 ISSUE CITATION ▼

ISSUE CITATION

Comment

E-SERVE ENV# 55255297

07/12/2021 CITATION (SERVICE) ▼

Served

07/14/2021

Anticipated Server

ATTORNEY

Anticipated Method

Actual Server

ATTORNEY

Returned

07/16/2021

07/16/2021 RETURN OF SERVICE ▼

RANDALL S FOOD & DRUG LP

Comment

RANDALL S FOOD & DRUG LP SERVED 7/14/21 AT 2:39 PM

07/30/2021 ORIGINAL ANSWER ▼

ORIGINAL ANSWER

Comment

AND AFFIRMATIV DEFENSES

EXHIBIT A

08/04/2021 DESIGNATE LEAD COUNSEL ▼

NOTICE OF DESIGNATION OF LEAD COUNSEL

10/11/2021 DISMISSAL HEARING ▼

1 CCL#5 Y LETTER

Judicial Officer
GREENBERG, MARKHearing Time
9:00 AMCancel Reason
BY COURT ADMINISTRATOR**Financial**

BLUITT-HECHAVARRIA, SCHEVONNE

Total Financial Assessment \$281.00

Total Payments and Credits \$281.00

7/12/2021	Transaction			\$281.00
	Assessment			

7/12/2021	CREDIT CARD -	Receipt # CV-	BLUITT-HECHAVARRIA,	(\$281.00)
	TEXFILE (CC)	2021-06965	SCHEVONNE	

DocumentsPLAINTIFF S ORIGINAL PETITION
ISSUE CITATION**EXHIBIT A**

RANDALL STOOD & DRUG LIT

1 CCL#5 Y LETTER

ORIGINAL ANSWER

NOTICE OF DESIGNATION OF LEAD COUNSEL



CT Corporation

**Service of Process
Transmittal**

07/14/2021

CT Log Number 539902063

TO: Shelby Brooks, Paralegal
Safeway Inc.
5918 Stoneridge Mall Rd
Pleasanton, CA 94588-3229

RE: Process Served in Texas

FOR: RANDALL'S FOOD & DRUGS LP (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: SCHEVONNE BLUITT-HECHAVARRIA, Pltf. vs. RANDALL'S FOOD & DRUG, LP, etc., Dft.

DOCUMENT(S) SERVED: --

COURT/AGENCY: None Specified
Case # CC2102792E

ON WHOM PROCESS WAS SERVED: C T Corporation System, Dallas, TX

DATE AND HOUR OF SERVICE: By Process Server on 07/14/2021 at 03:10

JURISDICTION SERVED : Texas

APPEARANCE OR ANSWER DUE: None Specified

ATTORNEY(S) / SENDER(S): None Specified

ACTION ITEMS: CT has retained the current log, Retain Date: 07/14/2021, Expected Purge Date: 07/19/2021

Image SOP

Email Notification, Shelby Brooks shelby.brooks@safeway.com

Email Notification, Julie Nylander julie.nylander@safeway.com

REGISTERED AGENT ADDRESS: C T Corporation System
1999 Bryan Street
Suite 900
Dallas, TX 75201
866-203-1500
DealTeam@wolterskluwer.com

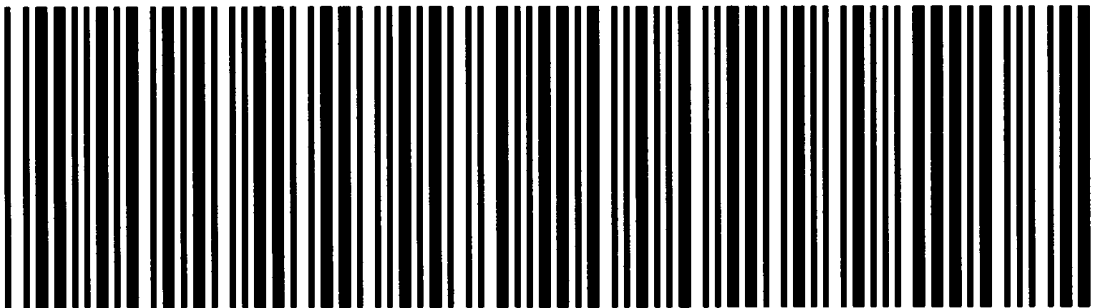
The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

PROCESS SERVER DELIVERY DETAILS

Date: Wed, Jul 14, 2021

Server Name: Steve Friedenthal

Entity Served	RANDALLS FOOD & DRUG LP DBA TOM THUMB
Case Number	CC-21-02792-E
Jurisdiction	TX



**THE STATE OF TEXAS
CITATION**CAUSE NO. CC-21-02792-E
COUNTY COURT AT LAW NO. 5
Dallas County, Texas

TO:

**RANDALL S FOOD & DRUG, LP D/B/A TOM THUMB
SERVE ITS REGISTERED AGENT CT CORPORATION SYSTEM
1999 BRYAN STREET SUITE 900
DALLAS TX 75201**

"You have been sued. You may employ an attorney. If you or your Attorney do not file a WRITTEN ANSWER with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and PLAINTIFF'S ORIGINAL PETITION, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org." Your answer should be addressed to the clerk of County Court at Law No. 5 of Dallas County, Texas at the Court House of said County, 600 Commerce Street, Suite 101, Dallas, Texas 75202.

SCHEVONNE BLUITT-HECHAVARRIA
Plaintiff(s)

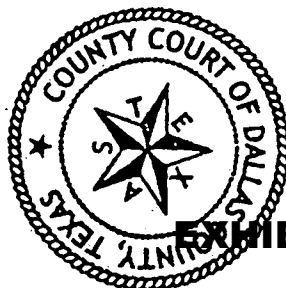
VS.

RANDALL S FOOD & DRUG, LP D/B/A TOM THUMB
Defendant(s)

filed in said Court on the 12th day of July, 2021, a copy of which accompanies this citation.

WITNESS: JOHN F. WARREN, Clerk of the County Courts of Dallas County, Texas. GIVEN UNDER MY HAND AND SEAL OF OFFICE, at Dallas, Texas, and issued this 12th day of July, 2021 A.D.

JOHN F. WARREN, Dallas County Clerk

By Guisla Hernandez, Deputy
Guisla Hernandez**EXHIBIT A****ATTORNEY****CITATION
PLAINTIFF'S ORIGINAL PETITION****CC-21-02792-E**IN THE COUNTY COURT OF DALLAS
County Court at Law No. 5
Dallas County, TexasSCHEVONNE BLUITT-
HECHAVARRIA, *Plaintiff(s)*

VS.

RANDALL S FOOD & DRUG, LP
D/B/A TOM THUMB, *Defendant(s)***SERVE:****RANDALL S FOOD & DRUG, LP D/B/A
TOM THUMB
SERVE ITS REGISTERED AGENT
CT CORPORATION SYSTEM
1999 BRYAN STREET SUITE 900
DALLAS TX 75201****ISSUED THIS
12TH DAY OF JULY, 2021**JOHN F. WARREN, COUNTY CLERK
BY: GUISLA HERNANDEZ, DEPUTY

Attorney for Plaintiff

JAMES TRUJILLO
1349 EMPIRE CENTRAL DR
STE 700
DALLAS TX 75247
972-529-3476**NO OFFICER'S FEES HAVE BEEN
COLLECTED BY DALLAS COUNTY CLERK**

OFFICER'S RETURN

CC-21-02792-E County Court at Law No. 5

SCHEVONNE BLUITT-HECHAVARRIA vs. RANDALL S FOOD & DRUG, LP D/B/A TOM THUMB

ADDRESS FOR SERVICE:

SERVE ITS REGISTERED AGENT CT CORPORATION SYSTEM
1999 BRYAN STREET SUITE 900
DALLAS TX 75201

Fees:

Came to hand on the ____ day of _____, 20_____, at ____ o'clock ____ m., and executed in _____ County, Texas by delivering to RANDALL S FOOD & DRUG, LP D/B/A TOM THUMB in person, a true copy of this Citation together with the accompanying copy of the PLAINTIFF'S ORIGINAL PETITION with the date and service at the following times and places to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse
_____	_____	_____
_____	_____	_____

And not executed as to the defendant(s), _____

The diligence used in finding said defendant(s) being:

_____ and the cause or failure to execute this process is:

_____ and the information received as to the whereabouts of said defendant(s) being:

Serving Petition and Copy	\$ _____	_____, Officer
Total	\$ _____	_____, County, Texas
		By: _____, Deputy
		_____, Affiant

CAUSE NO. CC-21-02792-E

SCHEVONNE BLUITT-HECHAVARRIA,	§	IN THE COUNTY COURT
PLAINTIFF,	§	
	§	
VS.	§	AT LAW NO. _____
	§	
RANDALL'S FOOD & DRUG, LP d/b/a	§	
TOM THUMB,	§	
DEFENDANT.	§	DALLAS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **SCHEVONNE BLUITT-HECHAVARRIA**, complaining of and about, **RANDALL'S FOOD & DRUG, LP D/B/A TOM THUMB** ("Defendant") and for cause of action shows unto the Court the following:

I. DISCOVERY CONTROL PLAN LEVEL

1. Plaintiff intends that discovery be conducted under Discovery Level 2. Pursuant to Chapter 47 of the Texas Rules of Civil Procedure, Plaintiff seeks a maximum recovery of over \$250,000.00, but not more than \$ 1,000,000,000.

II. PARTIES AND SERVICE

2. Plaintiff, **SCHEVONNE BLUITT-HECHAVARRIA** is an individual whose address is 615 Wildrose Dr., Dallas, TX 75224.

3. Defendant **RANDALL'S FOOD & DRUG, LP D/B/A TOM THUMB**, a corporation doing business in the state of Texas, may be served with process at the office of its registered agent, CT Corporation System located at the following address: 1999 Bryan St., Ste. 900, Dallas, TX 75201. Defendant will be served with process via private process server at the above address or wherever they may be found. Issuance of citation is requested at this time.

PLAINTIFF'S ORIGINAL PETITION

Page 1

EXHIBIT A

III. JURISDICTION AND VENUE

5. The subject matter in controversy is within the jurisdictional limits of this court.
6. This court has jurisdiction over Defendants because said Defendants purposefully availed itself of the privilege of conducting activities in the State of Texas and established minimum contacts sufficient to confer jurisdiction over said Defendants, and the assumption of jurisdiction over Defendants will not offend traditional notions of fair play and substantial justice and is consistent with the constitutional requirements of due process.
7. Plaintiff would also show that the cause of action arose from or relates to the contacts of Defendants to the State of Texas, thereby conferring specific jurisdiction with respect to Defendants.
8. Furthermore, Plaintiff would show that Defendants engaged in activities constituting business in the State of Texas as provided by section 17.042 of the Texas Civil Practice and Remedies Code, in that said Defendant committed a tort in Texas.
9. Venue in County is proper in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county.

IV. FACTS

10. On or about 2020-04-17 Plaintiff was working for Tom Thumb at the location of 315 South Hampton Road, Dallas, Texas 75208. Defendant did not give Plaintiff proper equipment to move heavy produce pallets.
11. Plaintiff suffered bodily injuries as a result of Defendant's negligence.
12. Defendants failed to make the premises reasonably safe for their employees by failing to provide proper equipment and tools for its employees for the purpose of moving heavy pallets. Defendants failed to eliminate or reduce the risk by not adequately training its employees, agents and servants in proper transportation of heavy pallets, which pose an unreasonable risk of injury to its

employees. As a result of Defendants' negligent acts and/or omissions, Plaintiff sustained injuries. At all relevant times, Defendant, **RANDALL'S FOOD & DRUG, LP D/B/A TOM THUMB**, was responsible for the premises. Defendant's negligence was the proximate cause of Plaintiff's injuries.

V. PLAINTIFF'S CLAIMS FOR PREMISES LIABILITY AGAINST DEFENDANT

When it is alleged that Defendants committed an act or omission, it is meant that Defendants, through their agents, employees, and/or workers, committed that act or omission. The conduct of Defendants was the proximate cause of Plaintiff's injuries in that Defendants' acts and/or omissions, constituted negligence under a theory of premises liability, due to one or more of the following acts or omissions to wit:

- a. Defendant, **RANDALL'S FOOD & DRUG, LP D/B/A TOM THUMB**, were the owners of the premises at 5040 W. Park Blvd., Plano, Texas 75093.
- b. Defendant, **RANDALL'S FOOD & DRUG, LP D/B/A TOM THUMB, LLC**, employed Plaintiff to conduct work at Defendants' premises.
- c. A condition on Defendant, **RANDALL'S FOOD & DRUG, LP D/B/A TOM THUMB**'s premises posed an unreasonable risk of harm.
- d. Defendant, **RANDALL'S FOOD & DRUG, LP D/B/A TOM THUMB**, knew or reasonably should have known that it created the unsafe condition by not equipment or training to its employees for safely moving heavy pallets on the premises.
- e. Defendants had a duty to use ordinary care to ensure that the premises did not present a danger to Plaintiff. This duty includes the duty to inspect and the duty to warn or to cure. Defendant breached the duty of ordinary care by failing to warn of or cure the dangerous conditions of the work area.

- f. Defendants failed to train their employees to identify and make safe dangerous conditions which pose an unreasonable risk of injury.
- g. Defendants' breach of duty proximately caused injury to Plaintiff, which resulted in the following damages:

VII. EXEMPLARY DAMAGES

- 2. Defendant's acts and omissions involved such an entire want of care as could have resulted only from a conscious indifference to the rights, safety, or welfare of others. Plaintiff hereby sues for exemplary damages in an amount to be determined by the trier of fact.

VIII. INJURIES – PRESENT AND FUTURE MEDICAL

- 3. As a result of the negligent conduct of Defendant, Plaintiff suffered serious injuries to various parts of her body.
- 4. As a result of the injuries she sustained, Plaintiff incurred reasonable and necessary doctor's and medical expenses for his necessary medical care and attention that she required. There is also a reasonable probability Plaintiff will incur additional reasonable expenses for necessary medical care and attention in the future. Additionally, Plaintiff has suffered from past and future physical impairment, and past and future physical and emotional pain, suffering and mental anguish.
- 5. By reason of the foregoing injuries and damages, Plaintiff sustained damages in excess of the minimum jurisdictional limits of the Court.

IX. TRCP 28: SUITS IN ASSUMED NAME

- 6. Plaintiff hereby invokes the privileges offered under Tex. R. Civ. P. 28, and files this suit against the named Defendants as well as any other individual, partnership or business entity doing business under the assumed name of "Tom Thumb". Plaintiff will substitute the proper


and true name of the Defendants doing business as “Tom Thumb” upon the motion of any party or of this Court.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that the Defendant be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendant for damages in an amount within the jurisdictional limits of the Court; together with pre-judgment interest (from the date of injury through the date of judgment) at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which Plaintiff may be entitled at law or in equity.

Respectfully submitted,

TRUJILLO & SANCHEZ, P.C.



JAMES D. TRUJILLO
STATE BAR NO. 24056453
DAVID L. SANCHEZ
STATE BAR NO. 24053461
500 E. John Carpenter Fwy., Ste. 140
Irving, Texas 75062
(972) 529-3476 phone/fax
Email: james@972lawfirm.com
ATTORNEYS FOR PLAINTIFF

EXHIBIT A

OFFICER'S RETURN

CC-21-02792-E County Court at Law No. 5

SCHEVONNE BLUITT-HECHAVARRIA vs. RANDALL S FOOD & DRUG, LP D/B/A TOM THUMB

ADDRESS FOR SERVICE:

SERVE ITS REGISTERED AGENT CT CORPORATION SYSTEM
1999 BRYAN STREET SUITE 900
DALLAS TX 75201

Fees:

Came to hand on the 13th day of July, 20 21, at 6 o'clock P.m., and executed in DALLAS County, Texas by delivering to RANDALL S FOOD & DRUG, LP D/B/A TOM THUMB in person, a true copy of this Citation together with the accompanying copy of the PLAINTIFF'S ORIGINAL PETITION with the date and service at the following times and places to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse
CT CORP (GEORGE MARTINEZ)	7/14/2021 2:39 PM	1999 BRYAN ST. #900, DALLAS, TX 75201

And not executed as to the defendant(s), _____

The diligence used in finding said defendant(s) being:

_____ and the cause or failure to execute this process is:

_____ and the information received as to the whereabouts of said defendant(s) being:

Steven Friedenthal
SWORN TO AND SUBSCRIBED BEFORE ME
ON THIS 15 DAY OF July, 20 21

Serving Petition and Copy \$ _____

Total \$ 75.00

STEVEN J. FRIEDENTHAL, Officer

DENTON, County, Texas

By: _____, Deputy

_____, Affiant

15830
EXP 10/31/2022

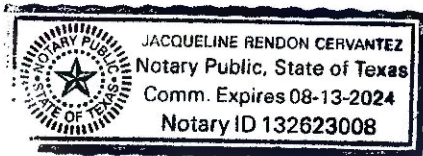


EXHIBIT A

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 55427606

Status as of 7/16/2021 1:37 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
JAMES DTRUJILLO		faxes@972lawfirm.com	7/16/2021 1:17:31 PM	SENT

CAUSE NO. CC-21-02792-E

**SCHEVONNE BLUTT-,
HECHAVARRIA,
*Plaintiff,***

VS.

**RANDALL'S FOOD & DRUGS, LP,
D/B/A TOM THUMB
*Defendant.***

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IN THE COUNTY COURT

AT LAW NO. 5

OF DALLAS COUNTY, TEXAS

DEFENDANT'S ORIGINAL ANSWER AND AFFIRMATIVE DEFENSES

Defendant Randall's Food & Drugs, LP ("Defendant") hereby submits an Original Answer to Plaintiff's Original Petition as follows:

GENERAL DENIAL

1. Without waiving any other defenses Defendant may have or hereafter come to have or urge, Defendant generally denies each and every material allegation in Plaintiff's Original Petition (and all subsequent amended and supplemental Petitions filed herein) pursuant to Rule 92 of the Texas Rules of Civil Procedure and demands strict proof thereof by a preponderance of the evidence or by clear and convincing evidence as the law requires.

CLAIMS SUBJECT TO ARBITRATION AGREEMENT

2. In filing Defendant's Original Answer and Affirmative Defenses, Defendant does not waive its contractual right to arbitration. The claims asserted in Plaintiff's Original Petition are subject to a binding arbitration agreement and Defendant is hereby invoking its right to arbitration.

AFFIRMATIVE DEFENSES

Without conceding that the following are affirmative defenses for which Defendant bears the burden of proof, Defendant asserts that:

3. Plaintiff was in the normal course of routine employment matters at the time of her alleged injury, if any, and was not foreseeable to Defendant.

4. Plaintiff was injured, if at all, while performing the same character of work that she had always done, which was not unusually precarious.

5. Plaintiff was injured, if at all, after receiving proper training.

6. Defendant provided help or made help available, but Plaintiff voluntarily proceeded to do the work without assistance.

7. Any supposed hazard at issue in the incident was open and obvious. Defendant owed no duty to Plaintiff as to open and obvious hazards.

8. Plaintiff's acts and omissions under all the attendant circumstances were the sole proximate cause of injuries or damage alleged to have been sustained by Plaintiff.

9. As a result of her claimed accident and injuries, Plaintiff may have received medical and/or other benefits from Defendant's self-funded occupational injury ERISA plan. Defendant, on behalf of its plan, is entitled to reimbursement of the cost of the benefits, if any, provided to Plaintiff in the unlikely event Plaintiff recovers monetary damages from Defendant in connection with Plaintiff's claim.

10. To the extent Plaintiff seeks punitive or exemplary damages, Defendant relies upon the limitations and other provisions of Chapter 41 of the Texas Civil Practices & Remedies Code.

11. Any award of pre-judgment interest for damages that have not yet accrued would violate Defendant's rights to substantive and procedural due process under the Fifth and Fourteenth Amendments to the United States Constitution, as well as Article I, Sections 14, 16, and 19 of the Texas Constitution.

12. Defendant pleads further that any recovery of medical expenses or health care expenses allegedly incurred by Plaintiff, is limited to the amount actually paid or incurred by or on behalf of Plaintiff, if any, pursuant to Tex. Civ. Prac. & Rem. Code §41.0105. Defendant respectfully requests Plaintiff's award, if any, be computed in accordance with the language of Section 41.0105 of the Texas Civil Practice and Remedies Code. Defendant also requests Plaintiff prove (1) that reasonable and necessary medical or healthcare expenses do exist, (2) what part of the medical or healthcare expenses have actually been paid or for which Plaintiff remains liable; and (3) the medical or healthcare expenses claimed resulted from conduct of Defendant.

**OBJECTION AND/OR RESEVATION TO OBJECT TO PROPER NOTICE
PURSUANT TO TEX. R. CIV. P. 193.7**

13. To the extent Plaintiff purports to invoke Texas Rule of Civil Procedure 193.7 or any similar rule, Defendant objects to its timeliness as discovery has not yet been exchanged and Plaintiff cannot, in good faith, provide proper notice that Plaintiff will use documents produced by Defendant against it. Defendant

further disputes that its deadline to object, pursuant to Texas Rule of Civil Procedure 193.7 or any similar rule, to the authenticity of a document Defendant may produce in the future is triggered by any notice contained in Plaintiff's petition. Defendant does not waive, and reserves the right, to object to documents later identified with specificity by Plaintiff in any future notice pursuant to Texas Rule of Civil Procedure 193.7 or any similar rule.

**OBJECTION AND/OR RESERVATION TO OBJECT TO PROPERLY
SERVED DISCOVERY**

14. To the extent Plaintiff purports to serve discovery requests with its Petition, Defendant objects to the timeliness of such requests, as a party cannot serve discovery until after the initial disclosures under Rule 194 are due, pursuant to Texas Rule of Civil Procedure 192.2(a). Defendant requests that any prematurely served discovery be re-served after the initial disclosures have been exchanged.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant prays that Plaintiff take nothing by her suit, that Defendant be dismissed from this action, awarded arbitration costs and for such other and further relief to which Defendant may be justly entitled.

Respectfully submitted,

By: /s/ Karl Seelbach

Trek Doyle

State Bar No. 00790608

trek@doyleseelbach.com

Karl Seelbach

State Bar No. 24044607

karl@doyleseelbach.com

Jacob Jones

State Bar No. 24101865

jake@doyleseelbach.com

Doyle & Seelbach PLLC

7700 W. Highway 71, Suite 250

Austin, Texas 78735

512.960.4890 telephone

doyleseelbach.com



ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

By my signature above, I hereby certify that a true and correct copy of the above and foregoing document has been served by facsimile and email to counsel identified below on this, the 30th day of July 2021.

James D. Trujillo

David L. Sanchez

TRUJILLO & SANCHEZ, P.C.

500 E. John Carpenter Fwy., Suite 140

Irving, TX 75062

Tel. (972) 529.3476

james@972lawfirm.com

ATTORNEYS FOR PLAINTIFF

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Annette Gravenor on behalf of Karl Seelbach
 Bar No. 24044607
 annette@doyleseelbach.com
 Envelope ID: 55880238
 Status as of 7/30/2021 4:26 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
JAMES DTRUJILLO		faxes@972lawfirm.com	7/30/2021 3:57:07 PM	SENT

Associated Case Party: RANDALL S FOOD & DRUG, LP D/B/A TOM THUMB

Name	BarNumber	Email	TimestampSubmitted	Status
Trek Doyle		trek@doyleseelbach.com	7/30/2021 3:57:07 PM	SENT
Jake Jones		jake@doyleseelbach.com	7/30/2021 3:57:07 PM	SENT
Karl Seelbach		karl@doyleseelbach.com	7/30/2021 3:57:07 PM	SENT
Tiffany Williams		tiffany@doyleseelbach.com	7/30/2021 3:57:07 PM	SENT